

Message

From: Stuber, Robyn [Stuber.Robyn@epa.gov]
Sent: 7/26/2018 9:13:10 PM
To: Morris, Cris@Waterboards [Cris.Morris@waterboards.ca.gov]
CC: Fordyce, Jennifer@Waterboards [Jennifer.Fordyce@waterboards.ca.gov]; Chen, Jau Ren@Waterboards [Jauren.chen@waterboards.ca.gov]; Siebels, Thomas@Waterboards [Thomas.Siebels@waterboards.ca.gov]; Smith, DavidW [Smith.DavidW@epa.gov]
Subject: RE: Request for Comments on the Tentative Waste Discharge Requirements for Shell Oil Products US-Carson Distribution Facility (CA0000809)

Hi Cris,

Thanks for your question. It's helpful to go through this and we can discuss the topic in more detail during our Friday call.

I'll explain briefly, here, that under EPA's TMDL regulations, EPA acts to approve the TMDL's WLAs and LAs for CWA purposes. A State's TMDL implementation schedule, if one has been developed, is not subject to EPA action under TMDL regulations (more on this in a minute). NPDES regulations at 40 CFR 122.44(d) then require immediate compliance with WQBELs based on the approved WLAs. Nevertheless, CA's 2008 Compliance Schedule Policy has addressed TMDL implementation schedules adopted by Regional Water Boards in relation to the use of NPDES permit compliance schedules for final WQBELs based on approved WLAs for Basin Plan/State-wide plan objectives. (There is another mechanism addressing WLAs for CTR criteria, which we can talk about on Friday.)

I think the 3 approved WLA's under discussion are in effect now for CWA purposes and final WQBELs are required in the permit; however, exactly when compliance with the final WQBELs is required is subject to the record of facts for the facility and the required analyses to give more time under the 2008 Compliance Schedule Policy. (I recall some good examples of this analysis were conducted by Veronica and Raul for POTWs required to meet final WQBELs based on chloride TMDL WLAs, etc.)

I agree the fact that these WLAs are sediment loads adds complexity to NPDES permit implementation within the existing regulatory framework.

Robyn

From: Morris, Cris@Waterboards [mailto:Cris.Morris@waterboards.ca.gov]
Sent: Tuesday, July 24, 2018 5:06 PM
To: Stuber, Robyn <Stuber.Robyn@epa.gov>
Cc: Fordyce, Jennifer@Waterboards <Jennifer.Fordyce@waterboards.ca.gov>; Chen, Jau Ren@Waterboards <Jauren.chen@waterboards.ca.gov>; Siebels, Thomas@Waterboards <Thomas.Siebels@waterboards.ca.gov>
Subject: RE: Request for Comments on the Tentative Waste Discharge Requirements for Shell Oil Products US-Carson Distribution Facility (CA0000809)

Robyn, here is the requirement (40 CFR 122.44(d)(1)(vii)(B)) that requires the effluent limits to be "consistent with the assumptions and requirements of any available wasteload allocation..."

(vii) When developing water quality-based effluent limits under this paragraph the permitting authority shall ensure that:

B) Effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7.

The TMDL assumed that those effected by the TMDL would need time (20 years) to identify the problem, evaluate the problem and implement solutions. Applying performance goals in the NPDES permit for the next 5 years is "consistent" with the Implementation Schedule of the TMDL. Given that we do not know whether the discharger can comply with these sedimentation limits, it is not appropriate to impose the limits into this permit. That would not be consistent.

Looking forward to our discussion. If you could help direct me to the regulations that specifies what "consistent" means in this context prior to the conference call, that would be great.

Cris

From: Stuber, Robyn <Stuber.Robyn@epa.gov>
Sent: Tuesday, July 24, 2018 4:21 PM
To: Siebels, Thomas@Waterboards <thomas.siebels@waterboards.ca.gov>; Morris, Cris@Waterboards <cris.morris@waterboards.ca.gov>
Cc: David W. Smith <smith.davidw@epa.gov>; Robyn Stuber <Stuber.Robyn@epa.gov>
Subject: RE: Request for Comments on the Tentative Waste Discharge Requirements for Shell Oil Products US-Carson Distribution Facility (CA0000809)

Hi Cris and Thom,

I took a quick look at the PN permit and noted the final sediment WLAs applicable to the discharge (i.e., TMDL Tables 6-11 for cadmium and 6-13 for chlordane and dieldrin, both in mg/kg dry sediment) are incorporated as performance goals (i.e., permit Table 6), rather than the required final WQBELs (or interim effluent limits and final WQBELs with compliance schedules). As a result, the permit's approach does not appear to follow NPDES regulations regarding WQBELs based on approved WLAs (40 CFR 122.44(d)(1)(vii)(B)).

Can we schedule a call on Thursday (July 26) to discuss? My calendar is open except from 2:30-3:30.

Thanks,
Robyn

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From: Siebels, Thomas@Waterboards [<mailto:Thomas.Siebels@waterboards.ca.gov>]
Sent: Monday, July 23, 2018 4:05 PM
To: Siebels, Thomas@Waterboards <Thomas.Siebels@waterboards.ca.gov>
Cc: Stuber, Robyn <Stuber.Robyn@epa.gov>; Mitschele, Becky <Mitschele.Becky@epa.gov>; Mr. Kenneth Wong, U.S. Army Corp of Engineers <kenneth.wong@usace.army.mil>; Bryant.Chesney@noaa.gov; Mr. Jeff Phillips, U.S. Fish and Wildlife Service <jeff_phillips@fws.gov>; Paznokas, William@Wildlife <William.Paznokas@wildlife.ca.gov>; Bergquist, Sutida@Waterboards <Sutida.Bergquist@waterboards.ca.gov>; Henry, Teresa@Coastal <Teresa.Henry@coastal.ca.gov>; Mr. Tommy Smith, Los Angeles County Department of Public Works <tsmith@dpw.lacounty.gov>; Mr. Theodore Johnson, Water Replenishment District of Southern California <tjohnson@wrdd.org>; Mr. Angelo Bellomo, Los Angeles County Department of Health Services <abellomo@ph.lacounty.gov>; Ms. Sylvie Makara, Heal the Bay <smakara@healthebay.org>; Ms. Annelisa Moe, Heal the Bay <amoe@healthebay.org>; Mr. Bruce Reznik, Los Angeles Waterkeeper <Bruce@lawaterkeeper.org>; Mr. Arthur Pugsley, Los Angeles WaterKeeper <arthur@lawaterkeeper.org>; Ms. Melissa Kelly, Los Angeles WaterKeeper <melissa@lawaterkeeper.org>; Ms. Corinne Bell, NRDC <cbell@nrdc.org>; Ms. Joan Matthews, NRDC <jmatthews@nrdc.org>; James Ashby <james.ashby@pgenv.com>; Ms. Sarah Torres, PG Environmental <sarah.torres@pgenv.com>; lisa.barfield@shell.com; Elliott.Ripley@shell.com; Owens, Cassandra@Waterboards <Cassandra.Owens@waterboards.ca.gov>; Morris, Cris@Waterboards <Cris.Morris@waterboards.ca.gov>; Chen, Jau Ren@Waterboards <lauren.chen@waterboards.ca.gov>; Carlos, Alex@Waterboards <alex.carlos@waterboards.ca.gov>

Subject: Request for Comments on the Tentative Waste Discharge Requirements for Shell Oil Products US-Carson Distribution Facility (CA0000809)

Interested Parties

Summary: Pursuant to the federal Clean Water Act, as amended, and in accordance with the Water Code, tentative waste discharge requirements have been prepared for Equilon Enterprises LLC dba Shell Oil Products US, Shell Oil Products US-Carson Distribution Facility (CA0000809). In accordance with administrative procedures, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), at a public hearing to be held on September 13, 2018, will consider the attached tentative requirements and comments submitted in writing regarding any and all portions thereof. Written submissions pertaining to the proposed Regional Board action must be submitted to Regional Board staff no later than 5:00 p.m. on August 22, 2018. Attached please find the following documents related to this matter:

Cover Letter

Tentative Requirements

Instruction Sheet for Public Notice

Public Notice

Statement of Posting Notice

The Regional Board Watershed Regulatory Section is sending our correspondence with PDF Format through email. You will not receive a hard copy unless you are addressee of the correspondences or you do not have an email address. If you want a hard copy to be sent to you, please contact our staff.

The attached document is in Adobe Acrobat PDF format. You can obtain an Acrobat Reader free of charge at <http://www.adobe.com/products/acrobat/readstep2.html>.

Thomas J. Siebels
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Industrial Permitting Unit
California Regional Water Quality Control Board
Los Angeles Region
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